

Service Date: November 9, 2004

FINAL ORDER NO. 6556

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER OF Ravalli County Council on)	Docket No. T-04.40.PCN
Aging dba Bitterroot Bus, Hamilton, Montana,)	
Application for a Montana Intrastate Certificate of)	Order No. 6556
Public Convenience and Necessity amending existing)	
authority held under PSC No. 9410.)	

The Commission, being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On April 6, 2004, Ravalli County Council on Aging dba Bitterroot Bus, Hamilton, Montana, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation as follows:

Applicant presently holds PSC No. 9410 which reads:

Class B - Passengers between all points and places in Ravalli County, Montana. Limitations: 1) Twenty-four (24) hour advance notice required of all regulated transportation; 2) Council on Aging or successor in interest must not charge a fee for regulated Medicaid transportation less than that charged by Valley Taxi or Valley Taxi's successor in interest; 3) No sale, transfer, or lease to a for-profit entity; 4) Transportation of passengers in limousine service is prohibited.

The purpose of the application is to remove limitation number 1 (twenty-four hour advance notice required of all regulated transportation). If approved the authority would be reissued allowing:

Class B - Passengers between all points and places in Ravalli County, Montana. Limitations: 1) Council on Aging or successor in interest must not charge a fee for regulated Medicaid transportation less than that charged by Valley Taxi or Valley Taxi's successor in interest; 2) No sale, transfer, or lease to a for-profit entity; 3) Transportation of passengers in limousine service is prohibited.

The application included affidavits of support.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public May 7, 2004. That notice said in pertinent part:

If no written protests are received by May 26, 2004, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

3. A protest was filed by Victor I. Pizzola dba Valley Taxi, Hamilton, Montana.

4. Notice of Public Hearing was issued August 23, 2004, with hearing scheduled for September 30, 2004, in Hamilton, Montana.

5. During the hearing, applicant and protestant stipulated to a limited grant of the requested authority.

6. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on Thursday, the 14th day of October, 2004, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-04.40.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of Ravalli County Council on Aging dba Bitterroot Bus, Hamilton, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B - Passengers between all points and places in Ravalli County, Montana. Limitations: 1) Twenty-four (24) hour advance notice required of all regulated transportation, except transportation on a fixed, scheduled route within Hamilton, Montana and a five (5) mile radius; 2) Council on Aging or successor in interest must not charge a fee for regulated Medicaid transportation less than that charged by Valley Taxi or Valley Taxi's successor in interest; 3) No sale, transfer, or lease to a for-profit entity; 4) Transportation of passengers in limousine service is prohibited.

IT IS FURTHER ORDERED that a full, true, and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 14th day of October, 2004, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGSON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Final Order issued in Docket T-04.40.PCN in the matter of Ravalli County Council on Aging dba Bitterroot Bus, Hamilton, Montana has today been sent to all parties listed.

MAILING DATE: November 9, 2004

FOR THE COMMISSION

FIRST CLASS MAIL

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AS ITS INTERESTS MAY APPEAR:

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